IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION No: 11960 of 2005

Between:

1 Smt. Ch. Vijayalakshmi W/o. Late G. Surya Rao
working as Secondary Grade Teacher

2 Kum. S. Lakshmi D/o. Sridhar Rao
working as Grade II Hindi Pandit

(Both working in Nehru Convent High School, Ashok Nagar, Kakinada).

.... PETITIONERS

AND

1 State of Andhra Pradesh, Rep. by its Principal Secretary, School Education, P.S. Department, Secretariat Buildings,

Hyderabad.
2 The Director of School Education, Government of A.P., Saifabad, Hyderabad.
3 The Regional Joint Director of School Education, Kakinada, E.G. District.
4 The District Educational Officer, Kakinada, E.G. District.
5 Nehru Convent High School, Ashok Nagar, Kakinada, E.G. District, Rep. by its Correspondent.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ more in the nature of a writ of Mandamus declaring the action of the respondents in not approving the action of the 5th respondent management in absorbing the petitioners in to the aided posts and not releasing grant-in-aid attached to their posts as being arbitrary and illegal, violative of Article 14 and 21 of the Constitution of India and issue consequential direction to the respondents to forthwith pass orders on the proposals filed by the 5th respondent

management for absorption of the petitioners into the aided posts and issue such other writ or direction as deemed fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.CH.SAMSON BABU

Counsel for the Respondents: GP FOR EDUCATION

The Court at the stage of admission, made the following:

ORDER:

This writ petition is filed by the petitioners seeking a writ of *Mandamus* declaring the action of the respondents in not approving the action of the 5th respondent management in absorbing the petitioners into the aided posts and in not releasing grant-in-aid attached to their posts, as arbitrary, illegal and violative of the provisions of the Constitution of India and consequently direct the respondents to forthwith pass orders on the proposals of the 5th respondent for absorption of the petitioners into aided posts.

2. According to the petitioners, they were appointed in the 5th respondent institution as Secondary Grade Assistant and Hindi Pandit Grade-II on 01.10.2001 and 16.6.2000 respectively, after being selected with reference to the unaided posts. According to the petitioners, the procedure as contemplated under the Rules framed in G.O.Ms.No.1, dated 1.1.1984, was strictly followed by the respondent-management and the petitioners thereafter continuing in service having put-in four years and five years of service respectively. It is further stated that the 5th respondent

institution is a minority institution and they are at liberty to appoint persons of their choice, who fulfill the qualifications prescribed to the post. While so, the management sent proposals for absorption of the petitioners in aided posts when such posts were available. But, however, the said proposals were rejected by the first respondent initially directing to send a detailed report along with the proposals. Thereupon, it is stated that the third respondent caused enquiry and sent a report. But, however, subsequently, no orders have been passed by the first respondent, in spite of the fact that the Government has received the enquiry report of the Regional Joint Director. It is stated that the petitioners made a representation to the first respondent on 01.4.2005 narrating all the details and also seeking favourable orders after considering the report submitted by the Regional Joint Director of School Education. In spite of the said representation, no orders have been passed. Hence the present writ petition.

3. At the time of hearing, learned counsel for the petitioners sought for a direction to the first respondent to dispose of the representation, though, in fact, sought for a declaration to approve the action of the 5th respondent-management in absorbing the petitioners into aided posts.

4. Heard both sides and considered the material on record.

5. As the report was called for by the first respondent from the concerned authorities, and, in fact, the report was already submitted by the Regional Joint Director, having caused enquiry into the matter. Further, the petitioners have also made representation on 1.4.2005 with reference to the proposals sent by the 5th respondent for absorption of the petitioners into aided posts.

6. Under the above circumstances, the first respondent is directed to dispose of the representation of the petitioners with reference to the proposals sent by the 5th respondent for absorption of the petitioners into aided posts. The first respondent is accordingly directed to dispose of the representation expeditiously, preferably, within a period of six weeks from the date of receipt of copy of this order.

7. The writ petition is accordingly disposed of. No costs.

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S.ANANDA REDDY, J

Dated: 08.6.2005.

Note: Issue C.C in two days

(B/o)

RAR

To

1 The Principal Secretary, School Education, State of Andhra

Pradesh, Secretariat Buildings, Hyderabad.

2 The Director of School Education, Government of A.P., Saifabad, Hyderabad.
3 The Regional Joint Director of School Education, Kakinada, E.G. District.
4 The District Educational Officer, Kakinada, E.G. District.
5 The Correspondent, Nehru Convent High School, Ashok

Nagar, Kakinada, East Godavari District.

6 2 CCs to the G.P. for Education, High Court buildings, Hyderabad (OUT)

7 2 CD copies